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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

WILLIAM DIAMOND,

Defendant.

Adv. Pro. No. 10-04717 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against defendant William Diamond; and

WHEREAS, William Diamond died during the pendency of this action.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Jeffrey A. Diamond, as Personal Representative of the Estate of William Diamond, as follows:

1. The Estate of William Diamond and Jeffrey A. Diamond, in his capacity as Personal Representative of the Estate of William Diamond (collectively, the “Defendants”), are hereby substituted into this action in place of William Diamond, deceased, and the complaint shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to remove William Diamond and substitute the Estate of William Diamond and Jeffrey A. Diamond, in in his capacity as Personal Representative of the Estate of William Diamond, as reflected on Exhibit A to this Stipulation.

3. Counsel for the undersigned Defendants expressly represents that they have the authority to accept service of the Amended Complaint on behalf of Defendants, and expressly agrees that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 25, 2015

New York, New York

BAKER & HOSTETLER LLP

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*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and the
estate of Bernard L. Madoff*

SO ORDERED.

Dated: November 25th, 2015
New York, New York

**BERNFELD, DEMATEEO & BERNFELD
LLP**

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/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE